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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,473

10/29/2003

Craig John Simonds

201-1111

6959

28415

7590

05/18/2006

PRICE, HENEVELD, COOPER, DEWITT & LITTON, LLP

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EXAMINER

TO, TUAN C

ART UNIT

PAPER NUMBER

3663

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/696,473	Applicant(s) SIMONDS ET AL.	
	Examiner Tuan C. To	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 9-16 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/06/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8, 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, the applicant recites "type" which renders the claim indefinite because it was unclear what "type" was intended to convey. The interpretation was made more difficult by the fact that the zeolites defined in the dependent claims were not within the genus of the type of zeolites defined in the independent claim. Ex parte Attig, 7 USPQ2d 1092 (Bd. Pat. App. & Inter. 1986) (see MPEP 2173.05).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the

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requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-8, 17, and 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Ribak (US 20020085043A1).

With respect to claim 1, Ribak discloses a context-responsive display system and method for displaying information regarding the operation of in-vehicles devices and personalized context information as claimed. Referring to figure 5 of Ribak, the display system (10) having a plurality of buttons (90, 95, 100, 105, and 110) for accessing context information, and the display (130) is considered as a device for displaying the personalized context information or receiving the context information. Ribak also discloses an identifier for identifying the personalized context information which is the screen showing the identification of person who calling in. (Ribak, figure 5, 130). In Ribak, an individual driver's preferences are stored in a memory of the processor (30) (Ribak, page 6, paragraph 0086). In addition, as represented in page 7, paragraph 0087, Ribak further teach that the personal context information may be downloaded from a data storage device which is not limited to a diskette, a smart card, a memory stick and a micro-drive, and also there is an interface for communicating said data storage device to one or more of the vehicle devices. It is important to note that Ribak inherently discloses the vehicle driver as an agent who can download personal context information to one or more of the vehicle devices.

The statements of intended use or field of use, "for accessing...", "for analyzing...", "for storing...", "for communicating...", "for downloading..." clauses are essentially method limitations or statements of intended or desired use. Thus, the claim

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as well as other statements of intended use do not serve to patentably distinguish the claimed structure over that of the reference. See In re Pearson, 181 USPQ 641; In re Yanush, 177 USPQ 705; In re Finsterwalder, 168 USPQ 530; In re Casey, 512 USPQ 235; In re Otto, 136 USPQ 458; Ex parte Masham, 2 USPQ 2nd 1647.

See MPEP § 2114 which states:

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ 2nd 1647

Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than functions. In re Danly, 120 USPQ 528, 531.

Apparatus claims cover what a device is not what a device does. Hewlett-Packard Co. v. Bausch & Lomb Inc., 15 USPQ2d 1525, 1528.

As set forth in MPEP § 2115, a recitation in a claim to the material or article worked upon does not serve to limit an apparatus claim.

With regard to claim 2, Ribak disclosed that the personalized context information is stored from a PDA (see page 7, paragraph 0087).

With regard to claim 3, Ribak teaches that the input to the processor (30) (Ribak figure 3) includes an input from an auxiliary device such as Internet browser.

With regard to claim 4, Ribak shows that the display system as represented herein can receive personal user preferences from a PDA (Ribak, page 7, paragraph 0087).

With regard to claim 5, Ribak also discloses wireless interface (Ribak, page 6, paragraph 0081).

With regard to claim 6, Ribak discloses a plurality of audio devices (60) and that said audio devices may include the following: audio equipment, television, cellular

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telephone, or PDA. In addition, figure 3 shows that the processor (30) acts as a vehicle control module.

With regard to claim 7, the user preferences is represented herein comprises user preferences settings (Ribak, page 6, paragraph 0085).

With regard to claim 8, the data storage discussed above is portable (Ribak, page 7, paragraph 0087).

With regard to claim 17, as represented herein above, the individual driver's preferences are stored in a memory or processor (30) (Ribak, page 6, paragraph 0086). Thus, Ribak inherently disclose the address pointer that indicates the sources of the personal context information.

With regard to claim 18, Ribak shows that the display system is able to store the preferences of a number of drivers in a memory (Ribak, page 2, paragraph 0020).

Response to Arguments

Applicant's arguments filed 03/06/2006 have been fully considered but they are not persuasive.

The applicant argued in his response the following: "Ribak does not disclose a system and method of providing personal context information that employs an input, an identifier, a data storage device, an interface and an agent, as claimed. In particular, Ribak fails to disclose an identifier for analyzing the received information and identifying the type of information related to a person as personal context information". The examiner has reviewed the art rejection then realized Ribak discloses explicitly the limitations as now claimed. For instant, in figure 5, Ribak shows a display system (10)

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that has a plurality of buttons (90, 95, 100, 105, and 110) as input device. The input devices can be used to access and to receive a context information. Ribak teaches a display screen (130) utilized to show the incoming person name and his (her) telephone number (Ribak, figure 5, 130). The display screen is clearly an identifier as now claimed. Next, while the individual driver's preferences as disclosed in Ribak can be inputted from a driver, the said preferences are stored in a memory of the processor (30) (Ribak, page 6, paragraph 0086). Thus, Ribak further teaches a data storage device. While disclosing the context-responsive in-vehicle display system, Ribak address the limitation "an interface" via the display device and vehicle driver acts as an agent who can download personal context information.

The applicant additionally argues that the limitations recited in claim 17 is not inherently disclosed in Ribak. The examiner has found the computer system with a processor disclosed in Ribak associates with a memory device that can store personal context information, therefore the address pointer should be included because the address pointer stores the address of memory location.

For that reasons, the claims are still rejected.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

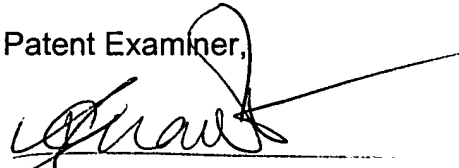
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line. The signature is stylized with a large loop at the end.

Tuan C To

May 10, 2006